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VIAVIEW, INC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JAMES MCGIBNEY, an individual, and
VIAVIEW, INC, a corporation,
Plaintiffs,

vs.

THOMAS RETZLAFF, an individual,
NEAL RAUHAUSER, an individual,
LANE LIPTON, an individual, and
DOES 1-5, individuals whose true names are not
known,
Defendants.

Case No.: 5:14-cv-01059 BLF

**DECLARATION OF JAMES MCGIBNEY IN
RESPONSE TO DEFENDANT THOMAS
RETZLAFF'S FILING ECF-161**

DECLARATION OF JAMES MCGIBNEY

1. It is unfortunate that Thomas Retzlaff continues to demonstrate via the manic frivolity of his truth-challenged filings to this court why he so appropriately earned the dubious distinction of being designated a 'vexatious litigant' by the Texas Supreme court. However, since Mr. Retzlaff has convinced himself that he can continue to commit blatant perjury within every single filing he's made to this court, I'd be remised not to point out the following.

2. Defendant Thomas Retzlaff stated within filing **ECF-147**, and I quote “Leiderman, as usual, is a complete and utter liar. There absolutely is NO warrant for defendant’s arrest”. **Exhibit #1** is the civil bench warrant which The Honorable Judge Socrates Manoukian of the Santa Clara County Court issued for Thomas Retzlaff after finding Mr. Retzlaff in contempt of court. Mr. Retzlaff has violated Judge Manoukian's lawful court orders on nearly a daily basis. Mr. Retzlaff's cyberstalking, harassment and defamation has continued to have a deleterious effect on me, my family, my company, our advertisers and protected party, Brittany Retzlaff. On last count Thomas Retzlaff has violated the lawful restraining order against him in excess of 1,000 times. Mr. Retzlaff's obsessive and relentlessly dishonest attacks and interference with my business relationships has caused far in excess of \$75,000, hence why we filed this federal lawsuit in the first place.

3. With respect to California jurisdiction, besides the overwhelming and factual evidence provided to this court within our amended complaint (**ECF-125**), the warrant itself, in my opinion, is enough to establish jurisdiction. The arrest warrant is entitled “**People of the State of California vs. Thomas Retzlaff**”. The Superior Court of California, County of Santa Clara, has already firmly established jurisdiction over Mr. Retzlaff. **Exhibit #2** is the transcript from Mr. Retzlaff’s contempt hearing, where jurisdiction wasn’t even contested by Retzlaff’s special appearance attorney. Venue lies in the Northern District of California pursuant to 28 U.S.C. §1391(b)(2), and this court’s exercise of jurisdiction in this case is reasonable and appropriate.

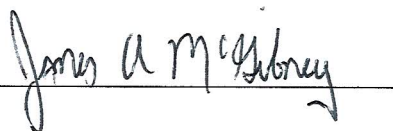
4. Within Mr. Retzlaff’s latest filing (**ECF-161**) he states our “supposed ability to track down and identify specific individual persons based upon computer internet protocol addresses”. **Exhibit #3** is the result yielded from a grand jury subpoena obtained by the San Antonio Police Department. In **ECF-161** Mr. Retzlaff attempts to confuse the court by citing a case that has little to no bearing on this case. Because of Mr. Retzlaff's arrogant and reckless persistence in stalking, harassing, defaming and tortiously interfering in our lives, we have catalogued voluminous social media account comments and postings which have been linked back to at least one email address which Mr. Retzlaff readily acknowledges is his and makes little effort to conceal as his. For example, Mr. Retzlaff's alternate email on file with this court is **t_retz@hotmail.com**. That is the email address which Mr. Retzlaff has used to open social media accounts under the "KKlansman" alias on Wordpress, the Aryan nationalistic

1 website Stormfront.org and various video gaming communities. Mr. Retzlaff's Northern District of
 2 California alternate contact email account, **t_retz@hotmail.com** is the backup email address for
 3 **the.klansman@hotmail.com**. Mr. Retzlaff's activity with that email account was the subject of a 2013
 4 San Antonio, TX Police investigation for which the aforementioned grand jury subpoena was obtained.
 5 Mr. Retzlaff stated in an email to a reporter "If I ever get a chance to kill a homosexual I would do so."
 6 We obtained a copy of the SAPD file via a Freedom Of Information act request. During the
 7 investigation, the SAPD had obtained a Grand Jury Subpoena to compel Cox Cable to reveal the
 8 subscriber information for the IP's from which the emails from **the.klansman@hotmail.com** were
 9 being sent. Cox Cable revealed the subscriber to be "Collin Retzlaff" with the subscriber located at
 10 8312 West Elm St, Phoenix, AZ and the primary email address as ThomasRetzlaff@cox.net. The court
 11 will recall that Collin Retzlaff is the Defendant's son. Mr. Retzlaff rented a home at 8312 West Elm St,
 12 Phoenix, AZ and opened utility accounts in his son's name. We have successfully served Thomas
 13 Retzlaff three separate times at his address of 8312 West Elm St, Phoenix, AZ. The court will recall
 14 that **the.klansman@hotmail.com** is one of the email accounts from a variety of Phoenix area IP's
 15 which we have alleged all along as belonging to Mr. Retzlaff and which have been used to attack and
 16 defame the Plaintiffs in this case. The San Antonio Police Department via a grand jury subpoena
 17 discovered that **the.klansman@hotmail.com** is tied to Thomas Retzlaff, just as we have asserted from
 18 the very genesis of this case. Now either the SAPD is part of some vast conspiracy against Mr. Retzlaff
 19 or Mr. Retzlaff has been lying to and misleading this court since day 1. Undoubtedly Defendant
 20 Thomas Retzlaff will again twist the words of this court and attempt to dismiss the findings of a San
 21 Antonio Police Department investigation which definitively link him to **the.klansman@hotmail.com**
 22 as "baffling and inadmissible". However, we are more confident than ever that if discovery were to
 23 proceed in this case, our case will prove to be clear and convincing that Mr. Retzlaff has engaged an
 24 intentional orchestrated campaign of cyber-stalking, threats and business disparagement with his goal
 25 being "The Economic Destruction of James McGibney and ViaView" - which was the title of a post to
 26 his ViaViewFiles wordpress blog in June 2014.

27 5. To quote revenge porn victim, Brittany Retzlaff, who suffered unspeakable revenge at the hands
 28 of her father, "the time has come for Thomas to be held accountable for his actions."

1 I declare under penalty of perjury under the laws of the State of California that the foregoing is true
2 and correct. Executed on April 14, 2015, in San Jose, California.

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4 By:

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6 *James McGibney* 
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